

"I'M AFRAID TO COMPLAIN."

It is illegal to retaliate against someone for complaining about unlawful harassment, for filing a complaint with the Commission, or for assisting in the investigation of a Commission complaint.

If you are a landlord or manager, do not treat someone who has complained about housing harassment any differently than other tenants.

If you are a tenant, you may contact the Maine Human Rights Commission if you have suffered retaliation for reporting harassment to your landlord or manager or because you filed a complaint with the Commission.

**EVERYONE DESERVES A HOME
FREE FROM FEAR!**

To file a complaint or for more information, contact:

Maine Human Rights Commission

**Mail: 51 State House Station,
Augusta, Maine 04333-0051**

Street Address: 9 Coos Lane, Hallowell

Website: www.maine.gov/mhrc

Phone: (207) 624-6050

Toll-free TDD (207) 1-888-577-6690

Fax (207) 624-6063



When is Housing Harassment Illegal?

The Maine Human Rights Act makes it unlawful to discriminate in the terms, conditions or privileges of the rental of any housing accommodation on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin, or familial status. 5 M.R.S.A. §4582.

Harassment based on someone's protected class status is a form of unlawful housing discrimination when the following standards are met:

1. The harassment was unwelcome.
2. The harassment was because of the target's protected class (e.g., race, sex, etc.).
3. (a) The harassment was so severe or pervasive that it created a hostile or abusive housing environment, or
(b) Housing benefits were explicitly or implicitly conditioned on the tenant engaging in unwelcome behavior (e.g., trading rent for sexual favors).

When the harasser is a co-tenant, a landlord or manager is generally liable if he or she knew or should have known of the harassment and failed to take immediate and appropriate action to stop the harassment.



UNLAWFUL HOUSING HARASSMENT



A Guide for Tenants and Landlords



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**UNLAWFUL HOUSING
HARASSMENT**

The Maine Human Rights Act prohibits harassment in housing that is based on race, color, sex, sexual orientation (which also includes gender identity and gender expression), physical or mental disability, religion, ancestry, national origin, familial status (having one or more minor children) or receipt of public assistance.

Harassment may be verbal or physical. A single violent act of intimidation, like a physical assault, may be unlawful. Unlawful harassment may also involve a series of incidents that may include, for example, intimidation, propositions for a date, or vandalism.

■ ■ ■ **IMPORTANT** ■ ■ ■

Harassment is judged by how the conduct feels to the target and what is offensive to the ordinary person.

Even though many harassers feel that their behavior is funny, flattering, or harmless, their conduct is illegal if it unreasonably interferes with the tenant's use and enjoyment of their home.

A FEW EXAMPLES

Racial or ethnic harassment may include:

- Racial slurs or jokes;
- Ridicule or insults because of someone's race or ancestry;
- Vandalism of someone's property because he or she is friendly with people of a different race.

Sexual harassment may include:

- Making sexual advances, requests, or demands that are unwelcome;
- Using slurs like "bitch";
- Offering to trade rent for sex or refusing to make repairs unless the person gives in to sexual demands.

Disability harassment may include:

- Mimicking a person's physical impairment;
- Using derogatory names like "psycho" or "cripple";
- Tormenting someone's service animal.

Sexual orientation harassment may include:

- Using slurs like "faggot" or "dyke";
- Leaving harassing messages on the door or phone;
- Throwing objects at or physically attacking someone due to their sexual orientation.



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**I'M A TENANT. WHAT CAN I DO
ABOUT HARASSMENT?**

Be sure the harasser knows you want the conduct to stop.

If you are physically attacked or threatened, you should call the police immediately.

If the owner or manager has a complaint process, be sure to make a complaint so that they can remedy the situation.

You may also contact the Human Rights Commission at any time to discuss filing a complaint.

**I'M A LANDLORD OR MANAGER.
WHAT SHOULD I DO ABOUT A
HARASSMENT COMPLAINT?**

Do what you can to prevent harassment from happening. Develop and distribute policies to your staff and to tenants that prohibit harassment and provide a reporting procedure.

Take every tenant complaint of harassment very seriously. Investigate every complaint without delay. Take prompt and effective corrective action if the complaint is true. Consider the full range of options available to you including warnings, eviction, and termination of an employee harasser.